

article produced in the United States of America; for the further reason that it was a mixture composed of partially evaporated milk prepared in imitation of evaporated cream and was offered for sale and sold under the distinctive name of another article, to wit, evaporated cream; for the further reason that the article by its label aforesaid purported to be a foreign product, when not so; and for the further reason that the article was falsely branded as to the country in which it was manufactured and produced in that it was a product manufactured and produced in whole or in part in the United States of America and was branded as manufactured and produced in the Swiss Confederation. Misbranding of both the articles was alleged for the further reason that they were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 30, 1919, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

E. D. BALL, *Acting Secretary of Agriculture*.

7927. Adulteration and misbranding of olive oil. U. S. * * * v. Cosimo Geraci and Gabriele Perillo (Economical Commercial Co.). Pleas of guilty. Fine, \$20. (F. & D. No. 9588. I. S. No. 14814-r)

On April 29, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Cosimo Geraci and Gabriele Perillo, trading as the Economical Commercial Co. New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on July 17, 1918, from the State of New York into the State of Pennsylvania, of a quantity of an article purporting to be olive oil which was adulterated and misbranded. The article was labeled in part, "Qualita Superiore" (map of Italy, Sicily, and Tripoli * * * the Italian flag and figure of woman with three-towered crown) "Olio Menorah Oil Puro Garantito $\frac{1}{4}$ Gallon Net Sotto Qualsiasi Analisi Chimica."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it consisted almost wholly of peanut oil which had been flavored with olive oil.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, peanut oil, artificially flavored, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted for olive oil, which the article purported to be. There was also an average shortage in volume of 10 per cent on 3 cans.

Misbranding was alleged for the reason that the statements, to wit, "Qualita Superiore : * * *," "Olio Puro, ' * *'," and " $\frac{1}{4}$ Gallon Net," together with certain designs and devices of the map of Italy and Italian flag, not corrected by the statement in inconspicuous type, "Menorah Oil," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was olive oil, that it was a foreign product, to wit, olive oil produced in the kingdom of Italy, and that each of the said cans contained $\frac{1}{4}$ gallon net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that said article was olive oil, that it was a foreign product, to wit, an olive oil produced in the kingdom of Italy, and that each of the said cans contained $\frac{1}{4}$ gallon net of the article, whereas, in truth and in fact, said article was not olive oil, but was a mixture composed in part of peanut oil, artificially flavored; it was not a foreign product, to wit, an olive oil produced in the kingdom of

Italy, but was a domestic product, to wit, a product produced in the United States of America, and each of said cans did not contain $\frac{1}{4}$ gallon net of the article, but did contain a less amount; for the further reason that the statements on the labels aforesaid purported that said article was a foreign product, when not so; and for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 12, 1919, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$20.

E. D. BALL, *Acting Secretary of Agriculture.*

7928. Misbranding of olive oil. U. S. * * * v. Grecian Importing & Trading Co., a Corporation. Plea of guilty. Fine, \$200. (F. & D. No. 9908. I. S. No. 12551-r.)

On July 18, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Grecian Importing & Trading Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on November 14, 1918, from the State of New York into the State of New Hampshire, of a quantity of olive oil which was misbranded. The article was labeled in part, "Imported Pure Olive Oil * * * Olympia Brand * * * Grecian Importing & Trading Co., Inc., Importers and Packers * * * Net Contents One Quart."

Examination of a sample by the Bureau of Chemistry of this department showed an average shortage in the contents of the cans containing the product of 1.3 fluid ounces, or 4 per cent.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Contents One Quart," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the cans contained 1 quart of the article; for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that said cans contained 1 quart of the article, whereas, in truth and in fact, they did not contain 1 quart of the article, but did contain a less amount; and for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 30, 1919, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

E. D. BALL, *Acting Secretary of Agriculture.*

7929. Adulteration of ground gelatin. U. S. * * * v. Thomas B. Kane (Detroit Gelatine Co.). Plea of guilty. Defendant released upon payment of costs. (F. & D. No. 9509. I. S. Nos. 9002-p, 15827-p, 15828-p, 15829-p.)

On September 23, 1919, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Thomas B. Kane, trading as the Detroit Gelatine Co., Chicago, Ill., alleging the sale by said defendant, on or about January 18, 1917, and April 24, 1917, under guaranties that the article was not adulterated or misbranded within the meaning of the Food and Drugs Act, of quantities of ground gelatin, which was an adulterated article within the meaning of said act, and which